



13281 US PTO  
110503

PATENT  
ATTORNEY DOCKET NO.: 56297-5011-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Mail Stop PATENT APPLICATION**

Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

22241 U.S. PTO  
10/700618  
110503



**PRIOR APPLICATION:** Examiner: F. W. Lu  
Group Art Unit: 1634

CONTINUATION, DIVISIONAL, AND CONTINUATION-IN-PART  
PATENT APPLICATION TRANSMITTAL UNDER 37 C.F.R. § 1.53(b)

**This is a request for filing a patent application under 37 C.F.R. § 1.53(b).**

1. This application is a [ ]Continuation [X] **Divisional** [ ] Continuation-in-Part patent application under 37 C.F.R. § 1.53(b), of pending prior application no. 10/226,355, filed on August 23, 2002, of MORRIS et al., entitled **SELECTING TAG NUCLEIC ACIDS (as amended)**
2. Specification of 66 pages including:  
9 pages of claims (9 independent claims and 57 total claims)  
1 page Abstract  
1 Title Page  
7 pages of figures (Figs. 1-6C)  
15 Other: Sequence Listing
3. Amendments

For continuation and divisional applications:

[ ] Cancel in this application original claims \_\_\_\_\_ *without prejudice or disclaimer of the claimed subject matter* in the enclosed copy of prior application before calculating the filing fee.

[X] A preliminary amendment is enclosed.

7. Fee Payment

Not Enclosed. NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.

This application is being filed under the provisions of 37 C.F.R. § 1.53(f). Applicant(s) await notification from the Patent and Trademark Office of the time set for paying the filing fees.

Enclosed.

The Commissioner is authorized to charge \$770.00 for filing fee (\$770.00) to Deposit Account No. 50-0310.

8.  The power of attorney in the prior application is to at least one of the registered practitioners of Morgan, Lewis & Bockius LLP included in the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all correspondence shall be addressed to that Customer Number.

**Please address all correspondence to Customer Number: 000033522.**

9.  Recognize as associate attorney \_\_\_\_\_  
(name and registration no.)

10.  EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be an CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

## 4. Oath or Declaration

For continuation or divisional applications:

A copy of an oath or declaration from a prior application is enclosed under 37 C.F.R. § 1.63(d). The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied is considered as part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

## 5. Assignment

For continuation or divisional applications:

The prior application is assigned of record to **AFFYMETRIX, INC.**, recorded February 18, 1997, at Reel/Frame 8370/0056.

## 6. Fee Calculation (37 C.F.R. § 1.16)

<b>CLAIMS FOR FEE CALCULATION</b>				
	Number Filed	Number Extra	at Rate of	Basic Fee
Total Claims (37 C.F.R. § 1.16(c))	1 - 20 =	0	\$ 18.00 each =	+ \$ .00
Independent Claims (37 C.F.R. § 1.16(b))	1 - 3 =	0	\$ 86.00 each =	+ \$ .00
Multiple dependent claim(s), if any (37 C.F.R. § 1.16(d))			\$290.00	+ \$ .00
<b>SUB-TOTAL =</b>				<b>\$ 770.00</b>
<b>Reduction by ½ for filing by a small entity</b>				<b>- \$</b>
<b>TOTAL FILING FEE =</b>				<b>\$ 770.00</b>

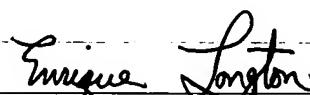
11. Additional papers enclosed:

- Request to Transfer Sequence Listing
- Information Disclosure Statement
- Form PTO-1449

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By:

  
\_\_\_\_\_  
Enrique D. Longton  
Reg. No. 47,304

Dated: November 5, 2003

**Customer No. 000033522**

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